

HOUSE BILL No. 1030

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-14-3-7; IC 9-18; IC 9-29-13-2.5; IC 9-30.

Synopsis: Suspension of vehicle registration and plates. Requires the suspension and surrender of a person's license plate and registration if the person: (1) is subject to an order suspending the person's driving privileges for an operating while intoxicated (OWI) conviction; or (2) has traffic violation convictions as an unlicensed driver and a conviction for OWI. Allows a person whose license plate and registration are suspended to receive a reinstatement plate that contains unique numbers and letters identifying the plate as a reinstatement plate. Requires the bureau of motor vehicles to maintain a record of license plate and registration suspensions to the extent these records are not already kept by the bureau. Creates a fee for reinstatement of a suspended license plate and registration. Provides criminal penalties for the unlawful sale, transfer, or operation of a vehicle subject to license plate and registration suspension.

Effective: July 1, 2005.

Burton

January 4, 2005, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1030

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-14-3-7 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The bureau shall maintain an
operating record for each person licensed by the bureau to drive a
motor vehicle.

**(b) The bureau shall maintain an operating record for each
person who is subject to a suspension of the person's certificate of
registration and license plate under IC 9-30-5-18 if an operating
record for the person is not maintained under subsection (a).**

~~(b)~~ (c) An operating record must contain the following:

(1) A person's convictions for any of the following:

(A) A moving traffic violation.

(B) Operating a vehicle without financial responsibility in
violation of IC 9-25.

(2) Any administrative penalty imposed by the bureau.

(3) If the driving privileges of a person have been suspended or
revoked by the bureau, an entry in the record stating that a notice
of suspension or revocation was mailed by the bureau and the date

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of the mailing of the notice.

(4) Any suspensions, revocations, or reinstatements of a person's driving privileges, license, or permit.

(5) Any requirement that the person may operate only a motor vehicle equipped with an a certified ignition interlock device.

(6) Any suspensions or revocations of a person's certificate of registration and license plate.

~~(c)~~ (d) An entry in the operating record of a defendant stating that notice of suspension or revocation was mailed by the bureau to the defendant constitutes prima facie evidence that the notice was mailed to the defendant's address as shown in the official driving record.

~~(d)~~ (e) An operating record maintained under this section:

(1) is not admissible as evidence in any action for damages arising out of a motor vehicle accident; and

(2) may not include voter registration information.

SECTION 2. IC 9-18-2-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 30. (a) The bureau shall issue to the owner of each vehicle subject to registration one (1) license plate upon the registration of the vehicle.

(b) If a person who is subject to a suspension under IC 9-30-5-18 attempts to register a vehicle that is not subject to the suspension under IC 9-30-5-18, the bureau may issue a certificate of registration and license plate only if the person is eligible to receive a certificate of registration and license plate under IC 9-30-5-18(e).

SECTION 3. IC 9-18-2-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 31. A license plate issued by the bureau under section 30 of this chapter:

(1) remains the property of the bureau; and

(2) may be revoked, canceled, **suspended**, or repossessed as provided by law.

SECTION 4. IC 9-18-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. A replacement semipermanent license plate may be issued by the bureau for any of the following reasons:

(1) The original semipermanent license plate has been in service for at least three (3) years.

(2) The original semipermanent license plate has been lost or stolen.

(3) The bureau determines that the reflective material required by IC 9-18-2-32 is no longer effective and the material's ineffectiveness is a safety hazard.

(4) A person registering a replacement vehicle requests a new

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license plate at the time of purchasing the replacement vehicle.

(5) A person who registered a vehicle no longer resides in the county in which the vehicle was originally registered.

(6) The original semipermanent license plate has been returned to the bureau under IC 9-30-4-7(a).

SECTION 5. IC 9-29-13-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. The fee for reinstatement of a certificate of registration and license plate that have been suspended under IC 9-30-5-18 and returned to the bureau under IC 9-30-4-7(a) is ten dollars (\$10).**

SECTION 6. IC 9-30-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3. (a) A person aggrieved by an order or act of the bureau under section 1 or 2 of this chapter or IC 9-30-5-18 may, within fifteen (15) days after notice is given, file a petition in the circuit or superior court of the county in which the person resides. If the person is a nonresident, the person may file a petition for review in the Marion circuit court.**

(b) The petitioner must state facts showing how the order or act of the bureau is wrongful or unlawful, but the filing of a petition does not suspend the order or act unless a stay is allowed by a judge of the court pending final determination of the review on a showing of reasonable probability that the order or act is wrongful or unlawful.

(c) The court shall, within six (6) months of the date of the filing of the petition, hear the petition, take testimony, and examine the facts of the case. The court may, in disposing of the issues, modify, affirm, or reverse the order or act of the bureau in whole or in part and shall make an appropriate order. If the petition has not been heard within six (6) months from the date of the filing, the original order or act of the bureau shall be reinstated in full force and effect.

SECTION 7. IC 9-30-4-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 8.5. A person whose certificate of registration and license plate are suspended under IC 9-30-5-18 and who:**

(1) operates a motor vehicle subject to the suspension; or

(2) knowingly permits a motor vehicle subject to the suspension to be operated by another person;

on a highway during the period of suspension commits a Class C misdemeanor.

SECTION 8. IC 9-30-5-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 18. (a) In addition to a criminal penalty imposed for**

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an offense under this chapter, if a court recommends the suspension of a person's driving privileges under section 10 of this chapter, the court shall issue an order to the bureau recommending the suspension of the certificate of registration and license plate for each motor vehicle:

(1) owned or leased by the person; or

(2) registered to the person;

including a motor vehicle registered jointly or leased in the name of the person and another person.

(b) If:

(1) the court has imposed a criminal penalty for an offense under this chapter; and

(2) the person has a driving record under IC 9-24-18-9;

the court shall issue an order to the bureau recommending the suspension of the certificate of registration and license plate for each motor vehicle owned or leased by the person or registered to the person, including a motor vehicle registered jointly or leased in the name of the person and another person.

(c) The bureau shall comply with a court's recommendation under subsection (a) or (b).

(d) If an order for suspension is issued under this section, the person who is the subject of the order shall comply with IC 9-30-4-7(a).

(e) A person who is subject to a certificate of registration and license plate suspension under this section may not receive from the bureau a certificate of registration or license plate until:

(1) the person's driving privileges are restored by the bureau; or

(2) the conditions of subsection (f) are met.

(f) If a court issues an order under subsection (a) recommending that the bureau suspend the registration and license plate of a vehicle owned or leased by a person or registered to a person, the bureau may issue a reinstatement license plate and certificate of registration to the person only if:

(1) the person has been granted probationary driving privileges under this chapter;

(2) a member of the person's household possesses a valid driver's license; or

(3) a court issues an order to the bureau recommending the reinstatement of the person's certificate of registration and license plate.

(g) A person entitled to reinstatement of a certificate of

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1 registration and license plate under subsection (f) must pay the fee
2 set forth in IC 9-29-13-2.5.

3 (h) A license plate issued under subsection (f)(1) or (f)(2) must
4 clearly display a unique series of numbers and letters that
5 identifies the license plate as a reinstatement license plate. A license
6 plate issued under subsection (f)(3) must clearly display a unique
7 series of numbers and letters that identifies the license plate as a
8 reinstatement license plate only if the reinstatement order issued
9 under subsection (f)(3) includes this requirement.

10 (i) A person whose certificate of registration and license plate
11 have been suspended under this section may not sell or transfer a
12 motor vehicle owned or leased by the person or jointly owned or
13 leased by the person unless:

14 (1) the sale is for a valid consideration; and

15 (2) the purchaser or transferee does not reside in the same
16 household as the registered owner or owners.

17 (j) A person aggrieved by a suspension of registration and
18 license plate under this section may seek judicial review under
19 IC 9-30-4-3 through IC 9-30-4-5.

20 (k) The bureau may adopt rules under IC 4-22-2 to implement
21 this section.

22 (l) A person who knowingly or intentionally sells or transfers a
23 motor vehicle in violation of subsection (i) commits a Class C
24 misdemeanor.

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